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MAY - 2 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOSHUA WILSON, et. al.,
Plaintiffs,

vs.

LLOYD AUSTIN, III, in his official
capacity as Secretary of Defense, et. al.,
Defendants.

Case No.: 4:22-cv-00438-ALM
**MOTION FOR LEAVE TO FILE
AMICUS CURIAE**

Hon. Judge Amos L. Mazzant

COMES NOW, Pritish Vora, Amicus Curiae, by way of Pro Se, files with the Honorable Court his motion for leave to file an informational brief in the above referenced matter in support of the Plaintiffs' first amended complaint ("FAC"), and in opposition to the Defendants' motion to dismiss ("MTD"). See ECF #41 and #45, respectively. Amicus intends to provide factual references that warrant judicial notice, to provide facts that may escape the Court's consideration, and to supplement the diligent efforts of counsel. Amicus states as follows:

1 1. Amicus has a PACER account and has thoroughly reviewed both the
2 Plaintiffs' FAC and the Defendants' MTD, with all supporting exhibits for each.

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4 2. Amicus is a Pro Se, is not an attorney, does not hold any law degree, but
5 is aware of the Federal Rules of Civil Procedure. Amicus has filed cases as a Pro
6 Se Plaintiff in the Central District of California in other matters. See, e.g., Vora v.
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8 Equifax Information Services, LLC et al., No. 8:19-cv-00302-AG-KES (C.D. Cal.
9 2019). (Case settled).

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11 3. Notwithstanding "the absence of a specific provision" in the rules
12 authorizing amicus briefs, "*District Courts have long been permitted to allow*
13 *amicus appearances at their discretion.*" See Vigil v. AT&T, 1969 WL 118, at *1
14 (D.Colo. Sept. 9, 1969).

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16 4. "*The classic role of the amicus curiae is to assist in a case of general*
17 *public interest, supplement the efforts of counsel, and draw the Court's attention to*
18 *law or facts that may otherwise escape consideration.*" See Miller-Wohl Co., Inc.
19 v. Commissioner of Labor and Indus., 694 F.2d 203, 204 (9th Cir. 1982).
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22 5. Amicus sought leave and received permission from this Honorable Court
23 to file as Amicus Curiae in support of the Plaintiffs' motion for a preliminary
24 injunction. (See ECF 25, ORDER granting [18] leave to file Amicus Curiae).
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26 6. Amicus filed his brief in support of the preliminary injunction (Dkt. 19),
27 however, the Plaintiffs withdrew their motion for preliminary injunction after the
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1 Court's ORDER indicating the Court would deny it pursuant to the passage of the
2 National Defense Authorization Act ("NDAA") and the rescission of the DoD
3 mandate. (See ECF 35 and 38, respectively).
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5 7. Amicus intends to support the Plaintiffs' FAC by filing a response to the
6 Defendants' MTD. The brief will incorporate all five parts as follows:
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- 8 a. The case is not moot, despite the passage of the NDAA.
- 9 b. The Court retains subject matter jurisdiction.
- 10 c. The Plaintiffs continue to suffer injury, thus have standing.
- 11 d. The Plaintiffs state claims for which relief can be granted.
- 12 e. Defendants' repeated claims of "BLA-compliant" lots and
13 "FDA-approved" Covid-19 vaccines are nothing more than its
14 rehashed and self-aggrandizing *ipse dixit*.
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18 8. This information will be useful to support the Plaintiffs' factual
19 contentions; This information is likely to have an influence on or affect the
20 outcome of a claim or defense; This information deserves to be considered in the
21 preparation, evaluation, or trial of a claim or defense; and this information that
22 reasonable and competent counsel would consider reasonably necessary to prepare,
23 evaluate, or try a claim or defense.
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26 9. This case is of great national importance, as it seeks relief to defeat
27 the Defendants' claim of having FDA "licensed" Covid-19 vaccines to support a
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1 mandate. The Court has not made a final determination of the pending motion, and
2 there is no prejudice to the parties to have this information presented before the
3 Court fully decides the respective parties' positions.
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6 WHEREFORE, Amicus respectfully requests that the Court GRANT leave to file
7 the Amicus Curiae brief, attached contemporaneously with this motion for leave.
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9 Respectfully submitted on this day of MAY 1, 2023
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11 By: 
12 Pritish Vora, Amicus Curiae, Pro Se
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15 **CERTIFICATE OF CONFERENCE**

16 Pursuant to Local Rule CV-7(h), I, Pritish Vora, Amicus Curiae, hereby
17 certify that I sought concurrence with counsel for the respective parties via e-mail
18 prior to filing this motion for leave. I received a response from the parties as
19 follows: Plaintiffs' counsel: Unopposed. Defendants' counsel: Unopposed. A
20 proposed ORDER is attached pursuant to CV-7(a).
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22

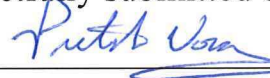
23 Respectfully submitted by:
24

25 
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28 Mission Viejo, CA 92691
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CERTIFICATE OF SERVICE

I, Pritish Vora, Amicus Curiae, hereby certify that I sent the motion for leave to the Clerk of the Court via FedEx on May 1st, 2023, and a copy was sent via U.S. first class mail, postage prepaid, to each of the respective parties below.

Respectfully submitted by:



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